

MARTIN DRUYAN AND ASSOCIATES ATTORNEYS

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Jan. 19, 2021

Judge Gardephe

By ECF Filing Only

United States District Court,

Southern District of New York

225 Cadman Plaza, Brooklyn, N.Y. 11201

Re: Taylor v Bronx Parent Housing , et al

Opposition to Renewed Def. NYC Letter Motion to Adjourn Scheduling Conference, and  
for a pre dismissal motion conference.

Plaintiff Requests Leave to Serve and Amended Complaint on Consent of Def. NYC

By ECF Filing Only

Honorable Judge Paul G. Gardephe:

Plaintiff opposes Def. NYC letter motion to adjourn the scheduling conference.

Plaintiff represents 4 female Plaintiffs with claims of sex harassment and race discrimination  
against Defs. Victor Rivera, Bronx Parent Housing Network, (BPHN)the City of N.Y.

Plaintiff Taylor herein is one of those 4 Plaintiffs

The parties had a mediation in Taylor v BPHN, Rivera and City of NY on Nov. 12, 2021 that  
was rescheduled for Dec. 8, 2021. That mediation was adjourned after 2 ½ hours. Plaintiff invites  
the Defendants to state the reason for that adjournment that is applicable to all my 4 cases,  
including Flynn, before this Court.

On about Jan. 7 2021 another mediation session in these cases was held with the Ms. Price, Chief  
Mediator SDNY without resolution /settlement in any case. I invite Defendants to explain their  
reasons for inability to mediate.

Due to a pressing litigation schedule, during the recent holidays, working remotely, with staff and attorneys Covid infected in my office, the application for an amended complaint in this case is requested by this letter.

#### MERITORIOUS GROUNDS FOR AMENDED COMPLAINT

#### NEWLY DISCOVERED FACTS SUPPORT CLAIMS THAT

#### THE CITY OF NEW YORK AS A PARTNER, JOINT EMPLOYER, PARENT OF

#### SUBSIDIARY EMPLOYER BRONX PARENT H. N. (BPHN)

Plaintiff has done research and has additional facts that support the motion for an amended complaint against the Def. City as a joint employer, partner, parent of subsidiary BPHN.

Defendant NYC is possibly the only solvent Defendant herein of all Defendants.

Defendant NYC is the sole funding source for Def. Bronx Parent Housing Network (BPHN).

These newly discovered facts are a basis to deny any Def. NYC adjournment of the pretrial conference herein.

These newly discovered facts are also a basis to deny the Def. NYC a premotion conference it requests.

#### NEWLY DISCOVERED FACTS FOR AN AMENDED COMPLAINT

Plaintiff recently discovered: The University of San Francisco, School of Non Profit Management, a Paper Case Study, Published Spring 2021, (Google):

“ Powerlessness.....

How the CEO of a NYC Non Profit (Defendant BPHN herein) abused his powers...resulting in abuses....allegations of sex harassment....conflicts of interest and unethical leadership.... lack of organizational compliance.....systematic failure of NYC Dept. Social Services on multiple occasions failed to ensure the safety of aid recipients ,...

...how \$175,000. in confidential settlements was paid to women alleging sex abuse by Victor Rivera about 2017..... at the same time Def. NYC was increasing funding of his organization Def. BPHN to 275 million dollars a year.”

A copy attached of that case study as an exhibit herein.

This case study notes the NY Times article Feb. 2021 that detail Def. Victor Rivera's sex harassment and abusive behavior; which along with other allegations of corruption led to his removal as BPHN Director and his present pending indictment in about March 2021.

The Def. NYC had a similar experience in the 1970s with Ramon Velez “Poverty Pimp of the South Bronx”, Wayne Barrett, Village Voice. (Google).

So Def. NYC was on notice regarding Bronx poverty organizations allegations of organizational and individual corruption since the 1970s, and ignored those lessons regarding Defs. BPHN and Victor Rivera's crimes and misconduct 2017-2021.

#### DEF. CITY IS A 'PARTNER WITH BPHN'

The Def. BPHN website states in Jan 2022 in bold letters in grey back round:

"PARTNERS WITH THE CITY OF NEW YORK, DEPT. SOCIAL SERVICES, DEPT OF HOMELESS SERVICES, HUMAN RESOURCES ADMINISTRATION", etc.

Traumatized Plaintiffs, including Plaintiff Taylor herein, have just revealed to me that their Def. BPHN ID badges said both "BPHN, City of New York" displayed to the public.

They state to me that the Def. City of NY supervised the placement of Def. NYC referrals of homeless women and children on a minute by minute, day by day basis. Def. NYC supervision included personnel decisions as to retention and promotion of employees as Plaintiff Taylor, and other details that Plaintiff will add in an amended complaint herein to be filed upon this application. New facts include Def. NYC was a joint employer, subsidiary owner, partner of Def. BPHN, legally responsible as possibly the only solvent Defendant herein in 2022 to pay damages pursuant to law for the sex discrimination and hostile work place that Plaintiff suffered.

Plaintiff Taylors original complaint detailed the sex harassment, abuse and hostile work environment that Def. Victor Rivera and his workplace cronies perpetrated against the Plaintiff, other female employees, and female housing aid recipients on a daily basis rendering the Defendants herein liable for damages. This included Rivera's openly demanding sex from homeless mothers and females the Def. City referred to BPHN housing assistance, and like open, loud, obvious behavior from his employed cronies. This sexualized hostile workplace was the environment the Plaintiffs attempted to work in rendering housing assistance to the Bronx homeless.

Given the outrageous public and "confidential" nature of these allegations, additional details of which Plaintiff is prepared to include in an amended complaint where the Def. status as "providing funding and control" of Def. City of New York, to Def. Victor Rivera and BPHN, is to be amended to "joint employer" status; there is no valid reason for the 1000 attorney staffed NYC Corp. Counsel's office to the adjourn and delay the scheduling conference herein, as the mediation sessions of this matter were adjourned.

Plaintiff in this case, (and in 3 companion cases my office filed not before Your Honor), is ready, willing and able to proceed to mediation, and trial at present.

Plaintiff requests a short date to file an amended complaint herein.

Please note in 2022, as in past years, the Def. NY City funds completely the entire budget of Def. BPHN, so that Def. NY City can defund, terminate and close Def. BPHN in total, defeating the rights of Plaintiff in this case.

CONCLUSION

For the above reasons Plaintiff requests this Court hold a pretrial conference, deny Def. NYC letter motion for a dismissal motion conference, , and order a date for the filing of an amended complaint for Plaintiff Taylor adding Def. NYC as a joint employer, parent/subsidiary employer, partner of Defendant BPHN, liable for the sex discrimination and hostile work environment Plaintiff claims.

Respectfully,

S/MARTIN DRUYAN ESQ.

MARTIN DRUYAN AND ASSOCIATES

ATTORNEYS FOR PLAINTIFF

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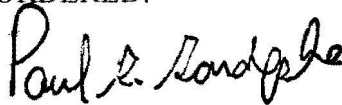
Cc Defendant Counsel by ECF only

**MEMO ENDORSED:**

Any amended complaint is to be filed by **January 27, 2022**.

Any pre-motion letter addressing the amended complaint will be filed by **February 3, 2022**. The January 27, 2022 conference is adjourned sine die. The Clerk of Court is directed to terminate the motions (Dkt. Nos. 29-32).

SO ORDERED.



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Paul G. Gardephe  
United States District Judge  
Dated: January 20, 2022